

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

SHERRY STUDLI,)
)
Plaintiff,)
)
-vs-)
 Civil Action No. 05-374J
)
CHARLES A. CRIMONE, Director, Children &)
Youth Services, et al.,)
)
)
Defendants.)

AMBROSE, Chief District Judge.

MEMORANDUM OPINION & ORDER

Defendant Central Regional Office of the Pennsylvania Department of Children, Youth and Families ("PDCYF"), erroneously identified in the caption of the Amended Complaint as "Children and Youth and Families Central Regional Office," has filed a Motion to Dismiss the Amended Complaint. See Docket No. 22. In the Amended Complaint, Plaintiff claims that PDCYF violated her First, Fourth and Fourteenth Amendment rights in connection with the removal of her six children from her care.

In an Opinion and Order dated May 9, 2006, I dismissed, with prejudice, all claims asserted against PDCYF. I determined that PDCYF was entitled to Eleventh Amendment immunity as it is an arm of the state. Nevertheless, Plaintiff Sherry Studli ("Studli") named PDCYF as a Defendant in her Amended Complaint. For the

reasons set forth in my previous Opinion and Order, all claims are dismissed against PDCYF, with prejudice, based upon Eleventh Amendment immunity. See Smith v. Philadelphia Dept. Of Human Serv., Civ. No. 4-1940, 2005 WL 525403 at * 3 (E.D. Pa. March 3, 2005), citing, Nelson v. Pa. Dept. Of Public Welfare, 244 F. Supp.2d 382, 390 (E.D. Pa. 2002) and Daman v. Pa. Dept. Of Public Welfare, 2000 WL 283848 at * 2 (E.D. Pa. March 16, 2000).

Therefore, this 6th day of July, 2006, it is Ordered that the Motion to Dismiss the Amended Complaint (Docket No. 22) is Granted.

BY THE COURT:

/S/ Donetta W. Ambrose

Donetta W. Ambrose,
Chief U. S. District Judge